

BEST AVAILABLE COPY

Practitioner's Docket No. **70551/55675 RCE**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[X] In re application of: J. Nakajima, et al.

Application No.: 09/800,082

Group No.: 2652

Filed: March 5, 2001

Examiner: Tran, Thang V.

For: OPTICAL DISK HAVING PITS OF DIFFERENT DEPTHS
FORMED THEREIN, OPTICAL DISK REPRODUCING
APPARATUS FOR REPRODUCING THE OPTICAL DISK, AND
METHOD OF TRACKING THE OPTICAL DISK

MAIL STOP 16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Refund Section, Accounting Division, Office of Finance

**REQUEST FOR REFUND
(37 C.F.R. 1.26)**

I. SUBMISSION OF SMALL ENTITY STATEMENT

(complete (a) or (b))

(a) ☐ Enclosed is a copy of a statement claiming small entity status in this application.

(b) ☐ A statement claiming small entity status also is being separately filed in this application on September 5, 2003.

CERTIFICATE OF EXPRESS MAILING

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[x] deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service
Under 37 CFR 1.10 (Express Mail Label No.
(EV 438974767 US), and is addressed to the
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450

Date: July 2, 2004

FACSIMILE

[] transmitted by facsimile to the Patent and
Trademark Office.

Kathryn A. Grindrod
Kathryn A. Grindrod

2004 JUL 9 - 6 AM 11:37

(Request for Refund—page 1 of 3)

PATENT MAINTENANCE
DIVISION

II. REFUND REQUEST

This request for refund is made within two months of the date a fee was paid in this application on June 18, 2003.

NOTE: The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136 because it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984. 37 C.F.R. 1.28(a).

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

In connection with the filing of a Request for Continued Examination in the above-identified application on June 18, 2004 an excess claim fee in the amount of \$210.00 was mistakenly paid (Note: No claims were added and no claims were deleted in connection with the Request for Continued Examination).

In addition, a fee in the amount of \$180.00 was mistakenly paid in connection with an Information Disclosure Statement filed concurrently with the above-identified Request for Continued Examination (see 37 CFR 1.97 (b)(4)).

IV. FEES PAID FOR WHICH REFUND REQUESTED

AMOUNT OF REFUND REQUESTED

- | | | |
|-------------------------------------|--|------------------|
| <input type="checkbox"/> | Filing fee | \$ _____ |
| <input checked="" type="checkbox"/> | Excess Claims fee | \$ <u>210.00</u> |
| <input type="checkbox"/> | Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e) or 37 CFR 1.16(l)). | \$ _____ |
| <input type="checkbox"/> | Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e)) | \$ _____ |
| <input type="checkbox"/> | Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 CFR 1.51(c)(1) and 37 CFR 1.16(l)) | \$ _____ |
| <input type="checkbox"/> | Surcharge for filing the cover sheet on a date later than the filing date | \$ _____ |

BEST AVAILABLE COPY

of the provisional application
(37 CFR 1.51(c)(1) and 37 CFR 1.16(l)) \$

☐ Extension of term \$

☐ Issue fee \$

☐ Patent maintenance fee

☐ first maintenance fee \$

☐ second maintenance fee \$

☐ third maintenance fee \$

☐ Patent maintenance fee surcharge. \$

NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.

☒ Other \$180.00
Information Disclosure Statement fee

TOTAL REFUND REQUESTED \$390.00

V. MANNER OF REFUND

Please make refund by

☒ crediting Account No. 04-1105
☐ refunding overpayment.

Reg. No. 27,840

Tel. No.: (617) 439-4444

Date: July 2, 2004

450328

David A. Tucker
SIGNATURE OF PRACTITIONER

David A. Tucker
(type or print name of practitioner)

EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, MA 02205
Customer No.: 21874



Practitioner's Docket No. 55675 RCE (70551)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: J. Nakajima, et al.
Application No.: 09/800,082
Filed: March 5, 2001
For: OPTICAL DISK HAVING PITS OF DIFFERENT DEPTHS FORMED THEREIN, OPTICAL DISK REPRODUCING APPARATUS FOR REPRODUCING THE OPTICAL DISK, AND METHOD OF TRACKING THE OPTICAL DISK

Group No.: 2653
Examiner: Tran, Thang V.

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 24 2004

Technology Center 2600

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EV 438974546 US), and is addressed to the Mail Stop RCE Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450 on June 18, 2004.

Kathryn A. Grindrod
Kathryn A. Grindrod

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☐ Prior to abandonment of the application
- ii. ☒ Payment of the issue fee
☒ Prior to payment of issue fee
☐ Issue fee has been paid but a petition under Section 1.313 has been granted

06/23/2004 CNGUYEN 00000063 09800082

01 FC:1801 770.00 OP
02 FC:1202 126.00 OP
03 FC:1201 86.00 OP

Match and Return

Adjustment dates 08/30/2004 EEKUBAY1
06/23/2004 CNGUYEN 00000063 09800082
02 FC:1202 -126.00 OP
03 FC:1201 -86.00 OP

BEST AVAILABLE COPY

Repln. Ref: 08/30/2004 EEKUBAY1 0011094000
DAH:041105 Name/Number:09800082
FC: 9204 \$392.00 CR

BEST AVAILABLE COPY



Attorney's Docket No. 55675 RCE (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Nakajima, et al.

U.S.S.N.: 09/800,082

Examiner: Tran, Thang V.

Filed: March 5, 2001

Group: 2653

RECEIVED

JUN 24 2004

Technology Center 2600

For: OPTICAL DISK HAVING PITS OF DIFFERENT DEPTHS FORMED THEREIN,
OPTICAL DISK REPRODUCING APARATUS FOR REPRODUCING THE OPTICAL
DISK, AND METHOD OF TRACKING THE OPTICAL DISK

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No: EV 438974546 US), and is addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on June 18, 2004.

By Kathryn A. Grindrod
Kathryn A. Grindrod

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on Form PTO-1449, attached hereto.

06/23/2004 CNGUYEN 00000063 09800082

04 FC:1806

-180.00 OP

Transmittal of Information Disclosure Statement

Page 1 of 4

Adjustment date: 08/30/2004 EEKUBAY1
06/23/2004 CNGUYEN 00000063 09800082
04 FC:1806 -180.00 OP

BEST AVAILABLE COPY